

REHAN SHEIKH (Engineer), In Pro Per  
rehansheikh@yahoo.com

PO Box 869  
French Camp, CA 95231-0869

Telephone: (209) 982 9039  
Facsimile: (209) 468 6392

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

REHAN SHEIKH,  
Plaintiff,

v.

CISCO SYSTEMS, INC., and DOES 1  
through 20, inclusive,  
Defendants.

District Court: C07-00262 RMW  
Superior Court : 1-06-CV-063840

Submitted: October 17, 2008

**MOTION TO DEFER BRIEFING  
SCHEDULE ON MOTION TO COMPEL  
BINDING ARBITRATION UNTIL  
MOTION FOR LEAVE FOR AMENDED  
COMPLAINT IS DECIDED (VIA  
ACCOMMODATION)**

Date : October 24, 2008  
Time : 10:00 AM  
Judge: Hon. Ronald M. Whyte

1  
2  
3  
4 **FACTS**

5           The plaintiff submitted a motion for leave to submit Third Amended Complaint on  
6           October 2, 2008. This is the first time the plaintiff has submitted a Motion for leave to submit  
7           an amended complaint. This plaintiff has submitted the complaint in order to satisfy this  
8           Court so that his case can be remanded to the state Court. Defendant had previously  
9           submitted a Motion to Compel Binding Arbitration. Plaintiff's Motion for leave to submit an  
10          amended complaint and defendant's Motion to Compel Binding arbitration were heard on  
11          October 3<sup>rd</sup>.

12 **ARGUMENT**

13           As a practical matter, leave to amend is almost always granted by the court. FRCP  
14          15(a) expressly states leave to amend "shall be freely given when justice so requires."

15           The plaintiff will be requesting to remand this case to the state Court after this Court  
16          is satisfied that there is no federal jurisdiction on his claims as presented in the Third  
17          Amended Complaint. As a matter of judicial economy, the plaintiff is requesting that briefing  
18          schedule on Motion to Compel Binding Arbitration is deferred until this Court has made a  
19          determination on Motion for leave to submit Third Amended Complaint.

20 **ACCOMMODATION**

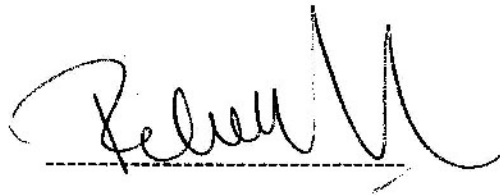
21           The plaintiff has limitations because of his intellectual health. The plaintiff was not  
22          able to submit an opposition brief on Motion to Compel Binding Arbitration because of his  
23          health. Plaintiff has qualified for accommodation for extra time. It will be an appropriate  
24          accommodation for the plaintiff, to defer briefing schedule on Motion to Compel Binding  
25          Arbitration until this Court has made a determination on his Motion for Leave to submit  
26          Third Amended Complaint. The Plaintiff has limitations on resources to afford the services  
27          of qualified expert attorney(s) because of his hardship.

**CONCLUSION**

The plaintiff respectfully asks the Court to defer briefing schedule on defendant's Motion to Compel Binding Arbitration until this Court has made a determination on his Motion for Leave to submit Third Amended Complaint.

The plaintiff has submitted [draft] Third Amended Complaint in order to satisfy this Court that there is no federal jurisdiction for any of his claims.

Dated: October 17, 2008

A handwritten signature in black ink, appearing to read 'Rehan Sheikh', is written over a horizontal dashed line.

Rehan Sheikh,

Engineer, In Pro Se